

REMARKS/ARGUMENTS

This is in response to the Official Actions dated February 22, 2008 and September 26, 2007. Claims 1-22 are pending.

In the final rejection dated September 26, 2007, claim 1 stands rejected under Section 102(b) as being allegedly anticipated by Mosier (US 5,489,918). This section 102(b) rejection is respectfully traversed for at least the following reasons.

The invention of claim 1 relates to a VA-type LCD (negative dielectric anisotropy), whereas Mosier relates to a TN-type LCD (e.g., see Mosier at col. 1, line 28, and Figs. 3-4; and the instant specification from pg. 3, line 15 to pg. 5, line 4). TN and VA type LCDs are much different from one another optically. In a VA (Vertical Alignment) type LCD, the liquid crystal molecules are substantially vertically aligned when no voltage is applied or in the OFF state. Because the liquid crystal has negative dielectric anisotropy, it is very clear that, for example, the liquid crystal molecules (e.g., see 30a in Fig. 2) are substantially vertically aligned when no voltage is applied. E.g., see the fourth paragraph on page 14 of the instant specification. In contrast, in a TN (Twisted Nematic) LCD, the liquid crystal molecules are twisted (e.g., about 90 degrees) when no voltage is applied or in the OFF state. The above-discussed recited feature in claim 1 is a characteristic of VA-type LCDs, but not TN-type LCDs. In other words, claim 1 is limited to VA type LCDs, and does not cover TN type LCDs.

Mosier fails to disclose or suggest the aforesaid quoted subject matter of claim 1, and cannot anticipate the claim. In particular, Moser relates to a TN type LCD, and thus fails to disclose or suggest a liquid crystal layer having negative dielectric anisotropy as recited in claim 1. Moreover, because TN and VA type LCDs are very different from one another, there would

KUBO, M.
Appl. No. 10/811,306
March 13, 2008

have been no reason to modify Mosier to meet claim 1. Indeed, if Mosier were modified to be a VA type LCD, then Mosier's driving scheme likely would not work properly.

Moreover, it is well established that when the claimed invention is not identically disclosed in a reference, and instead requires picking and choosing among a number of different options or embodiments disclosed by the reference, then the reference does not anticipate. *See Akzo N.V. v. United States Int'l Trade Commission*, 808 F.2d 1471, 1480 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987); *In re Arkley*, 455 F.2d 586, 587-88 (CCPA 1972).¹ Thus, as a matter of law, it is clearly improper to pick and choose different features from different embodiments in a reference in making an anticipation rejection as done in the Office Action.

The Examiner on page 9 of the Office Action argues that Mosier states that there are several types of LCDs, and thus the aforesaid requirement of claim 1 is met. This argument lacks merit. Columns 1-2 of Mosier make clear that Moser is referring to segmented type, matrix type, active matrix type, passive type, and color LCDs as the different "types." There is no mention, disclosure or suggestion of a VA type LCD in Mosier. An LCD operating in a VA mode is not encompassed within the types of LCDs discussed in Mosier. Because there is no mention of VA type LCDs in Mosier, the reference cannot possibly relate to solving the problem solved by applicant which is particular to VA-type LCDs. Moser is unrelated to claim 1 in these respects.

Claims 14-15 define over the cited art in a similar manner..

For purposes of example and without limitation, certain example embodiments of this invention utilize LC operating in a vertically aligned mode which has wider viewing angle

¹ See also *GNB Battery Techs., Inc. v. Exide Corp.*, No. 95-1248, 1996 U.S. App. LEXIS 3200, at *6-8 (Fed. Cir. 1996) (unpublished) (no suggestion for combining different embodiments of a reference).

KUBO, M.
Appl. No. 10/811,306
March 13, 2008

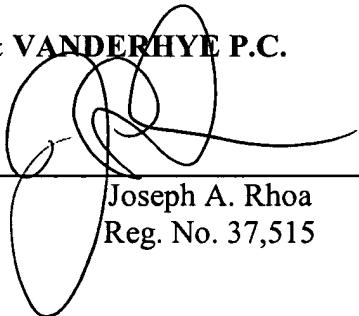
characteristics than LC operating in the twisted nematic (TN) mode. The aforesaid language recites a feature of a vertically aligned mode type LCD. This realizes switching between viewing characteristics on a display screen by changing contrast and grey scale expressing capability of a LC panel, taking advantage of excess brightness on the lower end of the grey scale (on the side of black display) at the oblique viewing angle(s) and grey scale degradation (in a sever case, grey scale inversion) on the higher end of grey scale (on the side of white display) at the oblique viewing angle(s), which are demerits of LC operating in the VA mode. That is, certain example embodiments of this invention use an LC panel having unique display characteristics, which control the range of viewing angle characteristics by taking advantage of such display characteristics of the panel.

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100